



# **CONSULTANT ADMINISTRATION SECTION PROCEDURE MANUAL**

**BRIDGE DIVISION**

**NORTH DAKOTA  
DEPARTMENT OF  
TRANSPORTATION  
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Prepared by  
**NORTH DAKOTA DEPARTMENT OF  
TRANSPORTATION**

Bismarck, North Dakota  
[www.discovernd.com/dot](http://www.discovernd.com/dot)

**DIRECTOR**  
David A. Sprynczynatyk, P.E.

**BRIDGE DIVISION**  
Terrence R. Udland

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# **CONSULTANT ADMINISTRATION SECTION**

## **Procedures Manual**

### **INTRODUCTION**

The North Dakota Department of Transportation (NDDOT) regularly solicits and enters into contracts for Professional Services with the Engineering Consulting Community. This manual is intended to help describe and define the processes and procedures used for procuring consulting services and administering consultant contracts. These processes and procedures shall explain how each procurement is completed in addition to defining the responsibilities of the Consultant Administration Section (CAS) and the responsibilities of the procuring divisions and their sections.

All consultant procurements shall comply with applicable North Dakota State Laws and specifically to the following sections, 54-44.7, 24-02-07.3, & 43-19.1, Federal requirements, and Federal Highway Administration (FHWA) guidelines.

### **PREQUALIFICATION**

The State of North Dakota allows Consultants to become prequalified with the NDDOT. Prequalification may be done in several areas and can be accomplished by sending in the proper Federal Form 330 to the CAS. In addition, they must also submit a statement of qualifications, a brochure describing past experience and firm capabilities, and a cover letter describing the area(s) in which the consultant is requesting to become prequalified. The submitted information shall also contain a list of the people in the firm qualified to sign contracts. The consultant must notify CAS in writing of any change in the list prior to any additional document signatures. Upon receiving and reviewing all the required information the consultant shall be notified by CAS of the prequalification and placed on the prequalification list, which is available on the NDDOT website.

The prequalification list is used to assist the NDDOT in finding interested, qualified consultants for potential projects. The list is maintained in the following areas of work:

- A. Preliminary Engineering
  - 1. Surveying
  - 2. Structural Design
  - 3. Road Design
  - 4. Traffic Engineering
  - 5. Environmental
  - 6. Wetlands Delineation
  - 7. Cultural Resources

- B. Construction Engineering
  - 1. Inspection
  - 2. Materials Testing
  - 3. Surveying
- C. Geotechnical Investigations
- D. Steel Fabrication Inspections
- E. Soil Contamination Studies
- F. Partnering Facilitation
- G. Bridge Inspection

Upon prequalification, the consulting firm will receive Request for Proposals (RFPs) by mail when the NDDOT is soliciting for work in the category a consultant is prequalified. Information provided for prequalification is confidential and not available to the public.

All project proposals submitted during any solicitation shall remain confidential until a contract has been executed with the NDDOT for each project.

#### **Services not on the prequalification list**

Services required for tasks not included in the prequalification list, and solicited by CAS, i.e. Public Information Coordination, are procured according to NDCC section 54-44.7-03. An RFP is prepared and an advertisement is placed in the ten major newspapers in the state and any national publication deemed appropriate. A minimum of twenty-one days are required from the date of the first publication to the time the proposals are due.

The proposals are evaluated by a selection team and a minimum of three firms are selected to interview for the project. The selection committee selects a firm and makes a recommendation to the Director of NDDOT. The Director reviews and approves the selection. If less than three firms respond, reference NDCC section 54-44.7-03.

#### **Consultant Annual Audit Information for Indirect Cost**

Consulting firms proposing to do work for the NDDOT must have a current audit rate no older than 15 months from the close of the firm's Fiscal Year. Firms that do not meet this requirement will not qualify to propose or contract for NDDOT projects until the requirement is met. Firms that have submitted all the necessary information to the NDDOT and are waiting for the completion of the audit, will be qualified to submit proposals for work. Information submitted by a firm that is incomplete will not qualify.

## **DESIGN DIVISION**

### **Project Concept Report, Environmental Documentation, Roadway Design, & Survey**

CAS will perform solicitation for Project Concept Reports, Environmental Documentation, Roadway Design, & Survey on behalf of the Design Division. These will, in most cases, be Preliminary Engineering activities.

The solicitation shall begin with the identification of a project by Design Division and written communication including the "Project Checklist" to CAS. The written communication to CAS shall consist of the project number(s), scope of work, schedule, activities to be performed by the consultant, and the name of the Design Division Representative (DDR) for each project.

Upon receipt of this information the DDR shall meet with CAS to discuss the solicitation and establish time frames associated with the solicitation. At this time CAS and the DDR shall establish the proposal Agency Selection Committee. This committee shall be agreed upon by the DDR and CAS and shall include the DDR, CAS representative, and any other individuals deemed pertinent to the project including but not limited to, District representatives, City representatives, County representatives, etc.

CAS is responsible for producing the RFP and mailing/advertising the RFP to the consulting community. The DDR shall review the RFP prior to the RFP being issued. CAS shall take receipt of the project proposals and distribute them to the Agency Selection Committee. Each member of the Agency Selection Committee shall be responsible for reviewing and ranking the proposals in the time frame established prior to the solicitation. All inquiries from the consulting community pertaining to the solicitation shall be directed to CAS.

The Agency Selection Committee shall meet and establish a short list of firms to be interviewed. This short list shall include a minimum of three firms based on the information in the proposal and compliance with the criteria in the RFP. Once the short list has been established, CAS shall schedule the consultant interviews and mail the appropriate correspondence to the proposing firms identifying interview schedules. The interviews may be in person or via telephone. CAS will also notify, in writing, those firms not chosen for interviews. The CAS representative shall also compile and distribute a series of questions to the Agency Selection Committee which will be asked during the interview. If less than three firms respond, reference NDCC section 54-44.7-03.

The CAS representative shall facilitate the interviews. Upon completion of the interviews the members of the Agency Selection Committee shall rank the consultants and identify the top ranked firm. The CAS representative shall submit a memo to the Office of Project Development Director who will then submit the memo to the Director for signature, authorizing the NDDOT to enter into negotiations with that firm. The CAS representative will also notify in writing the successful and unsuccessful firms. Upon signature by the Director, the CAS representative shall begin negotiations with the firm to refine a scope of work and establish a fee for the project. Negotiations are done with the consultant by having the consultant submit a scope of work for review by the NDDOT. CAS distributes the scope of work to the DDR of the project. CAS and the DDR review the scope to insure that the necessary work items are in the scope. CAS then negotiates the fees, drafts the contract, and processes the contract.

Once the scope of work and the fee are agreed upon, the CAS representative will draft a contract for signature by the consulting firm and the NDDOT. This process involves communicating with Information Processing (IP) via a memorandum that contains all the necessary information to fill out one of the Preliminary Engineering Contracts, NDDOT contract number-1002 or NDDOT contract number-51812. IP is then responsible for creating the “original” contract and notifying the Bridge Division upon completion. CAS will then review the contract and distribute to the consultant for signature. Upon receipt from the consultant with appropriate signatures, CAS sends the contract to the Legal Division for review. Legal Division then forwards the agreement to the NDDOT Director for signature. Upon signature by the Director, CAS receives the contract and places the “original” in Central File, a copy in the CAS file, and mails a copy to the consultant.

Upon signature by the Director or a Notice to Proceed, the DDR shall manage the day to day activities of the project and coordinate all submittals. The CAS representative shall receive a biweekly update from the consultant and process all progress payments and supplements.

Rankings from each member of the Agency Selection Committee, the signed memo from the Director, a copy of the RFP, the Short Listed proposals, the contract, pertinent correspondence during negotiations, correspondence pertaining to the contract during the project, final consultant proposal, Notice to Proceed (if applicable), biweekly updates, contract supplements, and progress billings shall be saved and placed in the CAS project file.

## **LOCAL GOVERNMENT**

### **Project Concept Reports, Environmental Documentation, Planning Studies, Roadway Design, Municipal Design, & Survey**

CAS will perform solicitation for the above listed activities on behalf of Local Government. These will, in most cases, be Preliminary Engineering activities.

The solicitation shall begin with the identification of a project by Local Government and communicating in writing to CAS of the need for a solicitation. The written communication to CAS shall consist of the project “Check List” including project number(s), a scope of work, schedule, and the name of the Local Government Representative (LGR) for each project.

Upon receipt of this information the LGR shall meet with CAS to discuss the solicitation and time frames associated with the solicitation. At this time CAS and the LGR shall establish the proposal Agency Selection Committee. This board shall be agreed upon by the LGR and CAS and shall include the LGR, CAS representative, and any other individuals deemed pertinent to the project including but not limited to, District representatives, City representatives, County representatives, etc.

CAS is responsible for producing the RFP and mailing/advertising the RFP to the consulting community. The LGR shall review the RFP prior to the RFP being issued. CAS shall take receipt of the project proposals and distribute them to the Agency Selection Committee. Each member of the Agency Selection Committee shall be responsible for reviewing and ranking the proposals in the time frame established prior to the solicitation. All inquiries from the consulting community pertaining to the solicitation shall be directed to CAS.

The Agency Selection Committee shall meet and establish a short list of firms to be interviewed. This short list shall have a minimum of three firms and be based on the information in the proposal and compliance with the criteria in the RFP. Once the short list has been established, CAS shall schedule the consultant interviews and mail the appropriate correspondence to the proposing firms identifying interview schedules. The interviews may be in person or via telephone. CAS will also notify, in writing, those firms not chosen for interviews. The CAS representative shall also compile and distribute a series of questions to the Agency Selection Committee. Responses to these questions will be given by the consultant during the interview. If less than three firms respond, reference NDCC section 54-44.7-03.

The CAS representative shall facilitate the interviews. Upon completion of the interviews the members of the Agency Selection Committee shall rank the consultants and identify the top ranked firm. The CAS representative shall submit a memo to the Office of Project Development Director who will then submit the memo to the Director for signature, authorizing the NDDOT to enter into negotiations with that firm. Upon signature by the Director, the CAS representative and LGR shall work with the consultant to refine a scope of work for the project. Correspondence for this process shall be facilitated by the LGR and pass through CAS for review. When the LGR has agreed upon the scope of work, CAS shall negotiate and finalize a contract for the project. Upon completion of the negotiations, terms, and fee for the contract, CAS shall process the contract.

When both the scope of work and the fee are agreed upon, the CAS representative shall draft a contract for signature by the consulting firm and the NDDOT. This process involves communicating with Information Processing (IP) via a memorandum that contains all the necessary information to fill out one of the Preliminary Engineering Contracts, NDDOT contract number-1002 or NDDOT contract number-51812. IP is then responsible for creating the “original” contract and notifying the Bridge Division upon completion. CAS will then review the contract and distribute to the consultant for signature. Upon receipt from the consultant with appropriate signatures CAS sends the contract to the Legal Division for review. Legal Division then distributes to the NDDOT Director for signature.

Upon signature by the Director CAS will distribute the “original” to Local Government, place a copy in the CAS file, and mail a copy to the consultant. Upon the completion of signatures the LGR shall manage the day to day activities of the project, process all progress payments, and coordinate all submittals. The CAS representative shall be available to draft, negotiate, and process any supplements to the contract.

Rankings from each member of the Agency Selection Committee, the signed memo from the Director, a copy of the RFP, the Short Listed proposals, a copy of the contract, pertinent correspondence during negotiations, final consultant proposal, Notice to Proceed (if applicable), and contract supplements, shall be saved and placed in the CAS project file. CAS will retain copies of the contract documents and Local Government shall retain the originals.



## **BRIDGE DIVISION**

### **Concept Report, Environmental Documentation, Structural Design/Inspections, & Survey**

CAS will perform solicitation for Project Concept Reports, Environmental Documentation, Roadway Design, & Survey on behalf of the Bridge Division. These will, in most cases, be Preliminary Engineering activities.

The solicitation shall begin with the identification of a project by Bridge Division and written communication including the "Project Checklist" to CAS. The written communication to CAS shall consist of the project number(s), scope of work, schedule, activities to be performed by the consultant, and the name of the Bridge Division Representative (BDR) for each project.

Upon receipt of this information the BDR shall meet with CAS to discuss the solicitation and establish time frames associated with the solicitation. At this time CAS and the BDR shall establish the proposal Agency Selection Committee. This committee shall be agreed upon by the BDR and CAS and shall include the BDR, CAS representative, and any other individuals deemed pertinent to the project including but not limited to, District representatives, City representatives, County representatives, etc.

CAS is responsible for producing the RFP and mailing/advertising the RFP to the consulting community. The BDR shall review the RFP prior to the RFP being issued. CAS shall take receipt of the project proposals and distribute them to the Agency Selection Committee. Each member of the Agency Selection Committee shall be responsible for reviewing and ranking the proposals in the time frame established prior to the solicitation. All inquiries from the consulting community pertaining to the solicitation shall be directed to CAS.

The Agency Selection Committee shall meet and establish a short list of firms to be interviewed. This short list shall include a minimum of three firms based on the information in the proposal and compliance with the criteria in the RFP. Once the short list has been established, CAS shall schedule the consultant interviews and mail the appropriate correspondence to the proposing firms identifying interview schedules. The interviews may be in person or via telephone. CAS will also notify, in writing, those firms not chosen for interviews. The CAS representative shall also compile and distribute a series of questions to the Agency Selection Committee which will be asked during the interview. If less than three firms respond, reference NDCC section 54-44.7-03.

The CAS representative shall facilitate the interviews. Upon completion of the interviews the members of the Agency Selection Committee shall rank the consultants and identify the top ranked firm. The CAS representative shall submit a memo to the Office of Project Development Director who will then submit the memo to the Director for signature, authorizing the NDDOT to enter into negotiations with that firm. The CAS representative will also notify in writing the successful and unsuccessful firms. Upon signature by the Director, the CAS representative and BDR shall work with the consultant to establish a scope of work for the project. The CAS representative shall then begin negotiations with the firm to refine a scope of work and establish a fee for the project. Negotiations are done with the consultant by having the consultant submit a scope of work for review by the NDDOT. CAS distributes the scope of work to the BDR of the project. CAS and the BDR review the scope to insure that the necessary work items are in the scope. CAS then negotiates the fees, drafts the contract, and processes the contract.

Once the scope of work and the fee are agreed upon, the CAS representative will draft a contract for signature by the consulting firm and the NDDOT. This process involves communicating with Information Processing (IP) via a memorandum that contains all the necessary information to fill out one of the Preliminary Engineering Contracts, NDDOT contract number-1002 or NDDOT contract number-51812. IP is then responsible for creating the “original” contract and notifying the Bridge Division upon completion. CAS will then review the contract and distribute to the consultant for signature. Upon receipt from the consultant with appropriate signatures, CAS sends the contract to the Legal Division for review. Legal Division then forwards the agreement to the NDDOT Director for signature. Upon signature by the Director, CAS receives the contract and places the “original” in Central File, a copy in the CAS file, and mails a copy to the consultant.

Upon signature by the Director or a Notice to Proceed, the BDR shall manage the day to day activities of the project and coordinate all submittals. The CAS representative shall receive a biweekly update from the consultant and process all progress payments and supplements.

Rankings from each member of the Agency Selection Committee, the signed memo from the Director, a copy of the RFP, the Short Listed proposals, the contract, pertinent correspondence during negotiations, correspondence pertaining to the contract during the project, final consultant proposal, Notice to Proceed (if applicable), biweekly updates, contract supplements, and progress billings shall be saved and placed in the CAS project file.

## **PROJECT SUBMITTALS/DELIVERABLES**

### **Design Division, Bridge Division, Local Government, and Districts**

Project submittals shall be submitted directly to the DDR or BDR by the consultant. CAS shall be copied on the correspondence of the submittal from the consultant to the NDDOT. It is the responsibility of the DDR or BDR to determine the completeness of the submittal. If the submittal is deemed adequate, CAS shall be notified by the DDR or BDR that the submittal has been accepted. CAS shall also be notified if the submittal is not acceptable. This will enable the correct processing of payments for the project and any issues associated with the project schedule. District submittals will be received by CAS and submittals for Municipal projects will be received by Local Government.

## **DISTRICT PROJECTS**

Currently the management of all District preliminary engineering projects is performed by CAS. This includes coordinating submittals, monitoring milestone, distributing documents for approval, and receiving all submittals. Design Division is responsible for reviewing all District submittals for content and conformance with NDDOT criteria. Design Division is also responsible for communicating submittal comments to the District and CAS. Upon final submittal and signature by the Office of Project Development Director, CAS will submit the final plans to Planning and Programming Division for bid processing.

## **CONSTRUCTION SERVICES**

### **Inspection, Construction Administration, Testing, & Surveying**

#### **Spring Solicitation**

Construction Services will provide a list of projects and a corresponding scope of work from each District, for solicitation to CAS by February 15<sup>th</sup> annually. CAS will then prepare the RFP and mail the RFP out to the consulting firms prequalified for construction services. CAS will facilitate and conduct the interviews with an Agency Selection Committee consisting of a representative from the Construction Services Division and a representative from one or more of the Districts. CAS and Construction Services will concur on the selection of representatives from the Districts. All inquiries from the consulting community pertaining to the solicitation shall be directed to CAS.

Upon completion of the interviews, the firms will be ranked and the projects distributed to the individual firms. The CAS representative shall submit a memo to the Office of Operations Director who will then submit the memo to the Director for signature, authorizing the NDDOT to enter into negotiations with that firm. The consultant shall submit a proposal of hours and scope of work to CAS and the appropriate District for their review and comment. The District shall perform preliminary negotiations with the consulting firm pertaining to scope and hours. Upon completion of these negotiations the proposal with scope and hours shall be forwarded to CAS by the District. Upon agreement, the District shall send written correspondence to CAS expressing their agreement.

CAS will complete negotiations regarding the fee for the project. CAS will then draft a contract for the construction services of the project. This process involves communicating with Information Processing (IP) via a memorandum that contains the necessary information to fill out the Construction Engineering Contract, NDDOT contract number-17692. IP is then responsible for creating the "original" contract and notifying the Bridge Division upon completion. CAS will then review the contract and distribute to the consultant for signature. Upon receipt from the consultant with appropriate signatures, CAS sends the contract to the Legal Division for review. Legal Division then distributes to the NDDOT Director for signature. Upon signature by the Director, CAS receives the contract and will distribute the "original" to the Construction Services Division, place a copy in the CAS file, and mail a copy to the consultant.

Upon completion of the signatures, the District shall manage the project, verify all progress payments, and forward all appropriate pay requests to Construction Services Division for payment. CAS shall process any future supplements after written notification from the District including the scope and hours necessary for the additional work.

Rankings from each member of the Agency Selection Committee, the signed memo from the Director, a copy of the RFP, and the list of allocated projects, shall be saved and placed in the CAS project file. A copy of the contract, pertinent correspondence during negotiations, final consultant proposal, Notice to Proceed (if applicable), and contract supplements, shall be saved and placed in the CAS project file.

## **Construction Services not identified in the Spring Solicitation**

Requests for construction services outside the annual Spring Solicitation shall begin with formal written correspondence from the District requesting the services. This correspondence shall contain a detailed scope of work, the reason for the solicitation, and the name of the District Representative for the project.

Upon receipt of the listed information, CAS shall send an RFP to each firm on the Prequalification List, according to the work identified in the correspondence from the District. The Agency Selection Committee consisting of a CAS representative, a representative from Construction Services, and the contact person identified in the correspondence from the District, shall review the proposals, interview, and identify the consulting firm to enter into negotiations. The CAS representative shall submit a memo to the Office of Operations Director who will then submit the memo to the Director for signature, authorizing the NDDOT to enter into negotiations with that firm. Upon receiving the signed memorandum, CAS will notify the consulting firm selected for negotiations and the other firms not chosen.

The consultant shall submit a proposal of hours and scope of work to CAS and the appropriate District for their review and comment. The District shall perform preliminary negotiations with the consulting firm pertaining to scope and hours. Upon completion of these negotiations the proposal with scope and hours shall be forwarded to CAS by the District.

CAS will complete negotiations regarding the fee for the project. CAS will then draft a contract for the construction services of the project. This process involves communicating with Information Processing (IP) via a memorandum that contains the necessary information to fill out the Construction Engineering Contract, NDDOT contract number-17692. IP is then responsible for creating the "original" contract and notifying the Bridge Division upon completion. CAS will then review the contract and distribute to the consultant for signature. Upon receipt from the consultant with appropriate signatures, CAS sends the contract to the Legal Division for review. Legal Division then distributes to the NDDOT Director for signature. Upon signature by the Director, CAS receives the contract and will distribute the "original" to the Construction Services Division, place a copy in the CAS file, and mail a copy to the consultant.

Upon completion of the signatures, the District shall manage the project, verify all progress payments, and forward all appropriate pay requests to Construction Services Division for payment.

Rankings from each member of the Agency Selection Committee, the signed memo from the Director and a copy of the RFP a copy of the contract, pertinent correspondence during negotiations, final consultant proposal, Notice to Proceed (if applicable), and contract supplements, shall be saved and placed in the CAS project file.

## **OTHER DIVISION SOLICITATIONS**

Other Divisions requiring solicitations shall notify CAS in writing. This written notification shall include a Project Number, and name of the Division Representative (DR). The DR shall submit a newspaper advertisement and/or list of firms for RFP distribution. The DR shall notify the appropriate newspapers for public advertisement. The DR and CAS Representative shall establish a schedule and scope of work for the solicitation and identify the members of the Agency Selection Committee. The Agency Selection Committee will then review the proposals and “short list” a group of firms for interview. All inquiries from the consulting community pertaining to the solicitation shall be directed to CAS. The short list shall include a minimum of three firms based on the information in the proposal and compliance with the criteria in the RFP.

CAS shall schedule the consultant interviews and mail the appropriate correspondence to the proposing firms. The interviews may be in person or via telephone. CAS will also notify those firms not chosen for interviews. The CAS representative shall also compile and distribute a series of questions to the Agency Selection Committee. Responses to these questions will be given by the consultant during the interview. If less than three firms respond, reference NDCC section 54-44.7-03.

The CAS representative shall facilitate the interviews. Upon completion of the interviews the members of the Agency Selection Committee shall rank the consultants and identify the top ranked firm. The CAS representative shall submit a memo to the applicable Division Director who will then submit the memo to the Director for signature, authorizing the NDDOT to enter into negotiations with that firm. The CAS representative will also notify in writing the successful and unsuccessful firms. Upon signature by the Director the CAS representative and DR shall work with the consultant to refine a scope of work for the project. The CAS representative shall then begin negotiations with the firm to establish a fee for the project. Negotiations are done with the consultant by having the consultant submit a scope of work for review by the NDDOT. CAS distributes the scope of work to the DR and the District. CAS, the District, and the DR review the scope to insure that the necessary work items are in the scope. CAS then negotiates the fees for the project, drafts the contract, and then processes the contract.

Once the scope of work and the fee are agreed upon, the CAS representative will draft a contract for signature by the consulting firm and the NDDOT. This process involves communicating with Information Processing (IP) via a memorandum that contains all the necessary information to fill out one of the Contract Forms that pertain to that specific solicitation. IP is then responsible for creating the “original” contract and notifying the Bridge Division upon completion. CAS will then review the contract and distribute to the consultant for signature. Upon receipt from the consultant with appropriate signatures CAS sends the contract to the Legal Division for review. Legal Division then forwards the agreement to the NDDOT Director for signature. Upon signature by the Director, CAS receives the contract and distributes the “original” to the Managing Entity, a copy in the CAS file, and mails a copy to the consultant. Upon signature by the Director or a Notice to Proceed, the appropriate entity shall manage the day to day activities of the project, process all payments, and coordinate all submittals.

Rankings from each member of the Agency Selection Committee, the signed memo from the Director, a copy of the RFP, the Short Listed proposals, the contract, pertinent correspondence during negotiations, final consultant proposal, Notice to Proceed (if applicable), and contract supplements shall be saved and placed in the CAS project file.

## **Solicitations for Public Information Coordinator**

CAS shall be notified of the need for a Public Information Coordinator (PIC) in the project PCR, EA, or EIS. Upon notification CAS will contact the Communication Director for a general scope of work for the project. Upon receipt of the general scope, CAS will facilitate the solicitation by completing the RFP and mailing to a list of perspective consultants supplied by the Communications Director. If a statewide advertisement is needed, the Communications Director shall compile the ad and distribute to the newspapers.

CAS will put together an Agency Selection Committee with a representative of Communications, the applicable City, the District, and CAS. This Agency Selection Committee will compile a shortlist and interview the prospective consultants. The Agency Selection Committee will select a consultant to enter into negotiations and process the recommendation through the NDDOT Director's Office.

Once CAS has received concurrence from the Director, the District and the Communications Director shall meet with the consultant and refine a scope of work for the project. Upon approval by the District Engineer the scope of work will be forwarded to CAS. CAS will then negotiate the fee for the project and process the contract.

Upon completion of the signatures, the original of the contract will be forwarded to Construction Services. A copy of the contract will be sent to the District and retained by CAS. The District shall manage the project, verify all progress payments, and forward all appropriate pay requests to Construction Services Division for payment. CAS shall process any future supplements after written notification from the District including the scope and hours necessary for the additional work.

Rankings from each member of the Agency Selection Committee, the signed memo from the Director, a copy of the RFP, the list of allocated projects, and the Short Listed proposals shall be saved and placed in the CAS project file. A copy of the contract, pertinent correspondence during negotiations, final consultant proposal, Notice to Proceed (if applicable), and contract supplements, shall be saved and placed in the CAS project file.

## **SUPPLEMENTS**

### **Design, Bridge, Local Government, and Communication Divisions**

CAS shall be notified in writing by the DDR, BDR, LGR, or DR of the need for a supplement to a preliminary engineering contract. This correspondence shall contain the reason for the supplement and a scope of work for the activities to be performed in conjunction with the supplement. Upon receipt of the notification, CAS will contact the consultant and request a proposal for the work to be performed. The CAS representative along with the DDR, BDR, LGR, or DR shall then begin negotiations with the firm to establish the final scope of work and a fee for the project.

Negotiations are performed with the consultant by having the consultant submit the preliminary scope of work, previously discussed with the DDR, BDR, LGR, or DR, for review by the CAS. CAS and the DDR, BDR, LGR, or DR will review the final scope to confirm the necessary work items are in the scope. CAS will then draft the supplement and processes the supplement.

Processing the supplement involves communicating with Information Processing (IP) via a memorandum that contains all the necessary information to fill out the Preliminary Engineering Contract Supplement NDDOT contract number-52445. IP is then responsible for creating the “original” supplement and notifying the Bridge Division upon completion. CAS will then review the supplement and distribute to the consultant for signature. Upon receipt from the consultant with appropriate signatures CAS sends the supplement to the Legal Division for review. Legal Division then distributes to the NDDOT Director for signature. Upon signature by the Director CAS receives the supplement and places the “original” in Central File, a copy in the CAS file, and mail a copy to the consultant.

Upon signature by the Director or a Notice to Proceed, which ever becomes the effective date of the contract, the DDR, BDR, LGR, or DR shall continue to manage the day to day activities of the project including the supplemented activities. The CAS representative shall continue to receive a biweekly update from the consultant and process all progress payments associated with the contract and supplements with the exception of district projects and Local Government projects.

The supplement, pertinent correspondence during negotiations, final consultant proposal, Notice to Proceed (if applicable), biweekly updates, and progress billings shall be saved and placed in the CAS project file.

### **Construction and Public Information Coordination Services**

CAS shall be notified in writing, by the managing District, that a supplement is being requested for a project. This correspondence shall contain the reason for the supplement and a scope of work for the activities to be performed in conjunction with the supplement. The District shall discuss with CAS whether the work items to be added are pertinent to the current contract, prior to the formal written correspondence. The consultant shall then submit a proposal of hours and scope of work to the District in which the project is located, for their review and comment. The District shall do preliminary negotiations with the consulting firm pertaining to scope of work and hours. Upon completion of these negotiations the proposal shall be forwarded to CAS by the District. CAS shall complete the negotiations for a Supplement fee and process the Supplement.

The processing of supplements involves communicating with Information Processing (IP) via a memorandum that contains all the necessary information to fill out the Construction Services Contract Supplement NDDOT contract number-51920. IP is then responsible for creating the “original” supplement and notifying the Bridge Division upon completion. CAS will then review the contract and distribute to the consultant for signature. Upon receipt from the consultant CAS sends the contract to the Legal Division for review. Legal Division then distributes to the NDDOT Director for signature. Upon signature by the Director, CAS will send the “original” to Construction Services, a copy in the CAS file, and mail a copy to the consultant.

Upon signature by the Director or a Notice to Proceed, which ever becomes the effective date of the contract, the District Representative shall continue to manage the day to day activities of the project including the supplemented activities. The payments shall be processed in the same manner as contract payments, through the District and Construction Services.

## **CONTRACTS UNDER \$10,000**

All contracts over \$10,000 shall go through formal solicitation process identified previously in this manual with the exception of some Emergency Relief projects. For projects under \$10,000 the NDDOT may hire a consultant without going through the formal solicitation process. The selection may be based on efficiency, location, experience, availability, or any of a variety of reasons that are deemed to be in the NDDOT's best interest. In accordance with State Law, no consultant may be awarded contracts of this type that exceed \$20,000 annually.

Design, Bridge, Local Government, and Construction Service Divisions may enter into these contracts by producing a scope of work and notifying CAS in writing. CAS will contact the consultant, negotiate the fee, and process the contract with IP, the consultant, and the Director as noted previously in the manual.

## **SINGLE SOURCE, NON-COMPETITIVE, & EMERGENCY**

These solicitations shall comply with United States Code of Regulations (CFR) Title 23.

## **DATA BASES**

### **Preliminary Engineering & Construction Services**

CAS will maintain two sets of data on consultant contracts. The first will be for Preliminary Engineering costs. A spreadsheet will contain information including project number, type of work, consultant contracted for the work, initial consultant contract cost, supplements and costs, fiscal year expenditures, contract date, amount paid on the contract, and remaining amount of contract.

The second will be for Construction Service contracts. A spreadsheet will contain information including project number, type of work, consultant contracted for the work, bid cost for construction, initial consultant contract cost, any supplement costs, consultant percentages as they relate to cost of construction, completion dates, etc. All the data bases shall be updated regularly.

## **LEGAL REVIEW**

When developing a contract or supplement, the CAS representative shall identify whether the contract form needs modifications. If language modifications are needed, a hard copy of the contract form with the language modifications "redlined" shall be submitted to the Legal Division for review. The entire contract or supplement shall be submitted at this time including any appendices. The Legal Division is responsible for authorizing the language modifications and/or recommending other applicable language that applies to that specific project. Legal Division will then return the "redlined" hardcopy to Bridge Division with their approval and/or comments. This activity will take place prior to the memorandum being sent to IP for processing. This process applies to all contracts regardless of which Division is requesting the contract or supplement.



## **PROGRESS PAYMENTS**

Progress payments for Design and Bridge Division projects will be processed through CAS. The consultant shall submit the request for payment to CAS. The pay requests must have all the necessary information in order for CAS to process the payment. The information shall include original contract cost, supplement costs, amount previously paid, amount requested, a breakdown of the requested payment, ie - design, right-of-way, environmental, survey, etc. Any progress payment that does not have the necessary information, outlined in the contract, will be rejected and the consultant will be required to resubmit the billing. CAS shall contact the DDR and/or BDR for verification of noted submittals and/or project progress.

Processing the payment involves validating the numbers on the pay request with the past payments and contract amount. Payment amounts are to be verified with contract amount and all signed supplements. This information is contained in the CAS Payment Files. The payment is broken down into amount billed per activity and then assigned a Sub and Phase. If any Right-of-Way costs are included, verification of Right-of-Way authorization from FHWA is necessary. CAS will then produce the Claim for Payment and acquire the Bridge Division Director's signature. Upon attaining the Bridge Division Director signature, the Claim for Payment is sent to Financial Management for processing. Final payments for Cost Plus Fixed Fee contracts require the verification that all profit has been paid. Final payment for all contracts requires verification from the DDR or BDR that all "Deliverables" have been received and accepted. At the time each of the progress payments are made the Preliminary Engineering data base (spreadsheet) shall be updated.

## **CONSULTANT EVALUATIONS**

Upon completion of a contract the DDR, BDR, LGR, or DR shall complete the Consultant Evaluation Form, State Form Number-51727. Upon completion of the form, a meeting may be held with the consultant's Project Manager and any other representatives from the consultant deemed necessary.

The DDR/BDR/LGR or DR, and the consultant will discuss each of the items in the evaluation as a tool to improve performance on future projects by both entities. The NDDOT may also use the results of the evaluation as a tool in the selection of a consultant for a future project. At the end of the Evaluation Meeting, the Consultant Representative, Division Head, and DDR, BDR, LGR, or DR will sign the Evaluation Form. A copy of the form will be given to the consultant and the original will be placed in the CAS Consultant File.

Upon completion of a construction service contract the District shall complete the Consultant Evaluation Form, State Form Number-51242. Upon completion of the form, a meeting may be held with the consultant's Project Manager and any other representatives from the consultant deemed necessary. Construction Engineering evaluations done by the Districts may also be used as a tool for selection on future projects. At the completion of the meeting the District Representative, District Engineer, and the Consultant Representative will sign the document. A copy of the form will be given to the consultant and the original will be placed in the CAS Consultant File. The District will retain a copy of the evaluation.

## **DISADVANTAGED BUSINESS ENTERPRISE - (DBE)**

SECTION WILL BE COMPLETED WHEN PROGRAM GOALS HAVE BEEN IDENTIFIED.  
To be implemented by January 1, 2005

### **AUDIT REPORTS**

Audit reports are issued by the Audit section of Financial Services. These reports are received by CAS periodically. The distribution of these reports is to be done in a discrete manner. Local Government and the Consultant (the person listed in the report) will be sent a copy of the audit report. The original will be kept by CAS and filed in the "Consultant File". This information is confidential and is not classified as a "Public Record".

### **RECORD RETENTION**

CAS has implemented a record retention schedule. The following identifies the type of records retained, generally what will be contained in the file, and length of time to be retained.

#### **Consultant Files – 25 Years**

Audits

Any other info not pertinent to a specific project

#### **Prequalification Files - Three Years**

##### **Design/Bridge/Local Government Contracts – Three years After Final Payment**

RFP

Proposals

Questions

Rankings

Correspondence (memo's, e-mails, director sign-off, letters, interview schedules, etc.)

Final Fee Proposal

Contract

Supplements

Payments

Evaluation

Project Updates

### **Construction Services (Spring Solicitation) File – Three Years**

RFP

Proposals (Consultant)

Correspondence (memo's, e-mails, director sign-off, letters, interview schedules, etc.)

Questions

Rankings

Final list of assigned projects

Notifications

Anything pertinent to the solicitation

### **Construction Services (contract) Files – Three Years After Final**

Final Fee Proposal

IP memo

Copy of contract (signed)

CAS acceptable written request for supplement from district

Scope of work

IP memo (supplement)

Copy of signed supplements